

REMARKS

The Office Action mailed November 1, 2007, has been received and reviewed. Claims 1-36 are pending. It is proposed that each of claims 1, 11, and 22 be amended as set forth herein. Care has been exercised to introduce no new matter. Reconsideration of the rejection of all claims and allowance are earnestly solicited in view of the following remarks.

Rejections based on 35 U.S.C. § 103

A.) Applicable Authority

The basic requirements of a *prima facie* case of obviousness are summarized in MPEP §2143 through §2143.03. In order “[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success [in combining the references]. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)”. MPEP §2143. Further, in establishing a *prima facie* case of obviousness, the initial burden is placed on the Examiner. “To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 USPQ 972, 972, (Bd. Pat App. &

Inter. 1985).” *Id.* See also MPEP §706.02(j) and §2142. Recently, the Supreme Court elaborated, at pages 13-14 of *KSR*, it will be necessary for [the Office] to look at interrelated teachings of multiple [prior art references]; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by [one of] ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the [patent application].” *KSR v. Teleflex*, 127 S. Ct. 1727 (2007).

B.) Obviousness Rejection Based on U.S. Patent No. 6,112,015 (“Planas”); U.S. Patent No. 5,570,412 (“LeBlanc”); U.S. Patent No. 7,020,696 (“Perry”); and U.S. Patent No. 5,821,937 (“Tonelli”).

Claims 1-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Planas, LeBlanc, Perry, and Tonelli. Applicants respectfully traverse this because the prior art does not teach or suggest the limitations of claims 1, 11, and 22.

With respect to independent claim 1, as amended herein, Applicants respectfully submit that the cited prior art, including Planas, LeBlanc, Perry, and Tonelli, fail to describe, among other things, the following claim limitations: “receiving user input selecting at least one of the vendors who own installed telecommunication cable in the metropolitan area; based on the at least one selected vendor, generating, without user intervention, a display layer graphically illustrating the vendor information for the installed telecommunication cable of each of the vendors selected by the user; [. . .and] calculating the distance from each of the at least one user-selected nodes to the at least one user-selected telecommunication cable from the metropolitan area”

With respect to independent claim 11, as amended herein, Applicants respectfully submit that the cited prior art, including Planas, LeBlanc, Perry, and Tonelli, fail to describe, among other things, the following claim limitations: “receiving user input selecting at least one vendor from the list of vendors who own installed high bandwidth telecommunication cable in the selected metropolitan area; [. . .] based on the at least one selected vendor, displaying, without user intervention, the electronic maps of the installed high bandwidth telecommunication cable owned by each of the selected vendors over the map of the selected metropolitan area; [. . . and] calculating the distance from each of the at least one user-selected nodes of the types associated with telecommunication cable from the metropolitan area to the at least one user-selected telecommunication cable from the metropolitan area.”

With respect to independent claim 22, as amended herein, Applicants respectfully submit that the cited prior art, including Planas, LeBlanc, Perry, and Tonelli, fail to describe, among other things, the following claim limitations: “receiving user input selecting at least one vendor from the list of vendors who own installed high bandwidth telecommunication cable in the selected metropolitan area; [. . .] based on the at least one selected vendor, displaying, without user intervention, the location of the installed high bandwidth telecommunication cable owned by the selected vendors over the geographical map of the selected metropolitan area; [. . . and] calculating the distance from the at least one user-selected node to the at least one user-selected telecommunication cable.”

Planas, LeBlanc, Perry, and Tonelli fail to teach or suggest several limitations of independent claims 1, 11, and 22, as amended herein. First, Planas, LeBlanc, Perry, and Tonelli, either alone or in combination, fail to teach or suggest receiving a user’s selection of one or more vendors who own installed telecommunication cable, as recited in claims 1, 11, and 22, for

displaying vendor information associated with the installed telecommunication cable owned by the one or more vendors. The Office Action references Tonelli for the “selection of vendors from a list of vendors related to the network.” In Tonelli, “[l]oading the device database causes a list . . . of vendors to be displayed To retrieve a list of device model names . . . from a particular vendor, the user moves the cursor over the plus sign [+] associated with the vendor name and clicks the left mouse button. *See* Tonelli, col. 7, lines 42-49. While Tonelli discusses a device database having a list of vendors, Tonelli does not disclose receiving a user’s selection of a vendor owning installed telecommunication cable *for displaying vendor information associated with the installed telecommunication cable owned by the at least one or more inventors*. Rather, Tonelli discloses selecting a particular vendor to retrieve a list of device model names. Planas, LeBlanc, and Perry each fail to overcome the deficiencies of Tonelli.

Second, Planas, LeBlanc, Perry, and Tonelli, either alone or in combination, fail to teach or suggest based on at least one selected vendor, generating [or displaying], without user intervention, a display layer graphically illustrating the vendor information for the installed telecommunication cable of each of the vendors selected by the user. The Office Action references Planas citing “[n]etwork objects are products produced by a variety of different vendors and include nodes, links and shelf based equipment.” *See* Office Action at page 5. Although Planas refers to network objects produced by vendors, Planas fails to teach or suggest that based on a selected vendor, generating and/or displaying, without user intervention, a display layer graphically illustrating the vendor information for the installed telecommunication cable of each of the vendors selected. Rather, Planas merely refers to objects produced by vendors.

Further, Tonelli also fails to teach or suggest that based on a selected vendor, generating and/or displaying, without user intervention, a display layer graphically illustrating the vendor information for the installed telecommunication cable of each of the vendors selected. Tonelli discloses a device database that stores a list of devices. *See Tonelli*, col. 7, lines 36-38. "Loading the device database causes a list ...of vendors to be displayed," *Id.* at lines 42-44. "To retrieve a list of device model names from a particular vendor, the user moves the cursor over the plus sign [+] associated with the vendor name and clicks the left mouse button." *Id.* at lines 45-48. "Once the list of devices is displayed, the user may drag a device directly from the list to the design sheet or the user may generate a custom device palette by dragging device from the list to a device palette." *Id.* at lines 50-53. While Tonelli mentions device vendors, Tonelli fails to teach or suggest that *based on a selected vendor*, generating and/or displaying, *without user intervention*, a display layer graphically illustrating the vendor information for the installed telecommunication cable of each *of the vendors selected*. Rather, in Tonelli, a *device* is dragged and dropped *by a user* to a design sheet. LeBlanc and Perry each fail to overcome the deficiencies of Planas and Tonelli.

Third, Planas, LeBlanc, Perry, and Tonelli, either alone or in combination, fail to teach or suggest calculating the distance from each of the at least one user-selected nodes to the at least one user-selected telecommunication cable from the metropolitan area, as recited in claims 1, 11, and 22. The Office Action refers to LaBlanc for teaching the calculation. *See Office Action* at page 6. LaBlanc recites "[t]he location band . . . is what will be used to generate (for the location databank) minimum and maximum distances for any valid values of any of the parameters." *See LaBlanc*, col. 21, lines 14-16. While LaBlanc mentions minimum and maximum distances, LaBlanc does not teach or suggest calculating the distance from each of the at least one user-

selected nodes to the at least one user-selected telecommunication cable from the metropolitan area. Rather, LaBlanc merely mentions minimum and maximum distances. Planas, Perry, and Tonelli each fail to overcome the deficiencies of LaBlanc.

Accordingly, Planas, LeBlanc, Perry, and Tonelli, individually and in combination, fail to teach or suggest all the limitations of amended independent claims 1, 11, and 22. Accordingly, for at least the reasons set forth above, the obviousness rejection of claims 1, 11, and 22 should be withdrawn.

Dependent claims 2-10, 12-21, and 23-36 further define novel features of the claimed embodiments and each depend either directly or indirectly, from one of the independent claims 1, 11, and 22. Accordingly, for at least the reasons set forth above with respect to independent claims 1, 11, and 22, dependent claims 2-10, 12-21, and 23-36 are believed to be in condition for allowance by virtue of their dependency. *See, In re Fine*, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988); *see also*, MPEP § 2143.01. As such, withdrawal of the obviousness rejection of dependent claims 2-10, 12-21, and 23-36 is respectfully requested.

In addition, with respect to dependent claim 6, 20, and 25, Planas, LeBlanc, Perry, and Tonelli, either alone or in combination, fail to teach or suggest generating and/or displaying a different graphical representation of the geographical location of each of the telecommunication cables owned by selected vendors. In particular, claim 6 recites, among other things, generating a different graphical representation of the geographical location of each of the telecommunication cables owned by the at least two prioritized vendor selections of the user. Claim 20 recites, among other things, displaying a different graphical representation of the high bandwidth telecommunication cable owned by each selected vendor. Claim 25 recites, among

other things, displaying different graphical representations of the high bandwidth telecommunication cable owned by each of the selected vendors.

Perry mentions that “a network service provider may have a high priority customer on a particular port and may want all errors and events (even minor ones) to be reported to the NMS and displayed to the network manager.” *See* Perry at col. 101, lines 20-24. Although Perry mentions having a high priority customer, Perry fails to teach or suggest displaying different graphical generating and/or displaying a different graphical representation of the geographical location of each of the telecommunication cables owned by selected vendors. Rather Perry merely discusses the errors and events with respect to high priority customers. Perry, however, does not mention a different graphical representation of the geographical location of each of the telecommunication cables owned by the different vendors.

Further, Perry discusses “access[ing] the corresponding class files from the file system to learn how the data should be presented to a user, for example, how a graphical user interface (GUI) should be displayed, what data and format to display, or perhaps which one of many GUIs should be used.” *See* Perry at col. 69, lines 12-17. Perry merely discusses that there may be variations to a graphical user interface. Perry does not, however, teach or suggest a different graphical representation of the geographical location of each of the telecommunication cables owned by the different vendors. Planas and Tonelli each fail to overcome the deficiencies of LaBlanc.

Accordingly, Planas, LeBlanc, Perry, and Tonelli, individually and in combination, fail to teach or suggest all the limitations of dependent claims 6, 20, and 25. Accordingly, for at least the reasons set forth above, the obviousness rejection of claims 6, 20, and 25 should be withdrawn. Dependent claims 7, 21, 26-31 further define novel features of the claimed

embodiments and each depend either directly or indirectly, from one of the dependent claims 6, 20, and 25. Accordingly, for at least the reasons set forth above with respect to dependent claims 7, 21, and 26-31 are believed to be in condition for allowance by virtue of their dependency.

In addition, with respect to claims 8 and 23, Planas, LeBlanc, Perry, and Tonelli, either alone or in combination, fail to teach or suggest distances calculated from each of the at least one user-selected nodes to the nearest of the at least one user-selected telecommunication cables. Planas recites that “as new network objects are added and pop up in the GNE’s top level view, they need to be situated in an appropriate location relative to the existing network object icons.” See Planas, col. 15, lines 52-55. While Planas mentions situating network objects in an appropriate location relative to existing network object icons, Planas does not teach or suggest *calculating distances* from each of the at least one user-selected nodes to the *nearest* of the at least one user-selected telecommunication cables. Rather, in Planas, the discussion merely pertains to situating objects in an appropriate location. Planas and Tonelli each fail to overcome the deficiencies of LaBlanc.

Accordingly, Planas, LeBlanc, Perry, and Tonelli, individually and in combination, fail to teach or suggest all the limitations of dependent claims 8 and 23. Accordingly, for at least the reasons set forth above, the obviousness rejection of claims 8 and 23 should be withdrawn. Dependent claims 9-10 further define novel features of the claimed embodiments and each depend either directly or indirectly, from claim 8. Accordingly, for at least the reasons set forth above with respect to dependent claims 9-10 are believed to be in condition for allowance by virtue of their dependency.

Finally, with respect to claims 19 and 27, Planas, LeBlanc, Perry, and Tonelli, either alone or in combination, fail to teach or suggest displaying the electronic maps of the high

bandwidth telecommunication cable owned by the selected vendors in ascending prominence corresponding to the ascending priority given each selected vendor. In particular, claim 19 recites, among other things, displaying the electronic maps of the high bandwidth telecommunication cable owned by the selected vendors in ascending prominence corresponding to the ascending priority given each selected vendor. Claim 27 recites, among other things, displaying the location of the high bandwidth telecommunication cable owned by the at least two vendors selected in a priority order in a prominence corresponding with the vendors priority, the highest priority vendor's cable being the most prominent and the lowest priority vendor's cable being the least prominent.

By contrast, Perry mentions that "a network service provider may have a high priority customer on a particular port and may want all errors and events (even minor ones) to be reported to the NMS and displayed to the network manager." *See* Perry at col. 12, lines 15-17. Although Perry mentions having a high priority customer, Perry fails to teach or suggest displaying the electronic maps of the high bandwidth telecommunication cable owned by the selected vendors in ascending prominence corresponding to the ascending priority given each selected vendor. Rather Perry merely discusses the errors and events with respect to high priority customers. Perry, however, does not mention varying the prominence of the display in accordance with the priority given to each selected vendor.

Accordingly, Planas, LeBlanc, Perry, and Tonelli, individually and in combination, fail to teach or suggest all the limitations of dependent claims 19 and 27. Accordingly, for at least the reasons set forth above, the obviousness rejection of claims 19 and 27 should be withdrawn. Dependent claims 28-31 further define novel features of the claimed embodiments and each depend either directly or indirectly, from claim 27. Accordingly, for at least the reasons set forth

above with respect to dependent claims 28-31 are believed to be in condition for allowance by virtue of their dependency.

CONCLUSION

Applicant respectfully requests timely entry of this Response and passing of this application to issue. Should, however, any issues remain before issuing this application, the Examiner is urged to contact the undersigned to resolve the same. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 21-0765 referencing Attorney Docket No. 2217/SPRL103013.

Respectfully submitted,

Date: January 2, 2008.

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